

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDREW SMIGELSKI,

Plaintiff

Civil Action 2:20-cv-4812

Judge Sarah D. Morrison

Magistrate Judge Jolson

V.

GREGG CLULEY et al.,

Defendants

AMENDED COMPLAINT - PRAYER FOR SPECIFIC RELIEF

Plaintiff respectfully requests that that his complaint be amended to include the following prayer for specific relief:

Plaintiff requests that judgment and relief be entered in his favor as follows:

COUNT I

FOURTH AMENDMENT (UNLAWFUL SEARCH AND SEIZURE)

UNLAWFUL DNA COLLECTION

UNKNOWN NAMED SEORJ GUARD "BROOKS"

A. Declaratory Judgment: Affirming that the Defendants' individual and collective conduct violated Plaintiff Andrew Smigelski's Federal Constitutional rights;

B. Compensatory Damages: Including, but not limited to, the monetary value associated with the following: violations of legal rights, emotional distress, emotional injury, embarrassment, humiliation, and potential lifelong injuries and rights violations, including the loss of his core genetic property. Total damages at least \$2,000,000.

C. Punitive damages - maximum permitted by law.

D. Equitable Relief: A written admission of the allegations stated in the complaint, an in-person oral apology, and a written admission and apology on the SEORJ's official letterhead

E. Legal Fees and Costs;

F. Discretionary Damages and Relief: Such other financial or equitable relief that the Court deems reasonable and just.

G. Injunctive relief compelling the removal of the unlawfully collected DNA from all databases, including but not limited to those maintained locally, by the State of Ohio, federally, and internationally.

COUNT II

FOURTH AMENDMENT (UNLAWFUL SEARCH AND SEIZURE)

FALSIFIED SEARCH WARRANT

GREGG CLULEY

A. Declaratory Judgment: Affirming that the Defendants' individual and collective conduct violated Plaintiff Andrew Smigelski's Federal Constitutional rights;

B. Compensatory Damages: Including, but not limited to, the monetary value associated with the following: violations of legal rights, emotional distress, emotional injury, embarrassment, humiliation, and potential lifelong injuries and rights violations. Additionally, the lost potential revenue flow of the 1,000+ pages of writing, much of which was written as a product, which was illegally searched and violated by Officer Cluley prior to publication- causing involuntary abandonment of all involved works and projects. Total damages valued at least \$6,000,000.

C. Punitive damages - maximum permitted by law.

D. Equitable Relief: A written admission of the allegations stated in the complaint, an in-person oral apology, and a written admission and apology on the City's official letterhead

E. Legal Fees and Costs;

F. Discretionary Damages and Relief: Such other financial or equitable relief that the Court deems reasonable and just.

G. Injunctive relief compelling the Ohio Public Defender's Office, ACLU, Department of Justice Civil Rights Division, Ohio Innocence Project, a private civil rights law firm, or other disinterested, competent, capable, and qualified, legal review organization to review all cases of Gregg Cluley, and overturn the cases that are not proven beyond a reasonable doubt without the inclusion of testimony, statements, affidavits, or involvement, of Gregg Cluley.

Gregg Cluley's serious, repeated, demonstrably, and materially false misstatements caused direct violations of my civil and constitutional rights, and it would be appropriate for an impartial review of all of his cases to determine how many others may have been violated by similar misconduct.

COUNT III

**FOURTH AMENDMENT (EXCESSIVE FORCE)
PHYSICAL ATTACK - ASSAULT AND BATTERY
JOSH MOWERY, BEN SKINNER, RYAN GABRIEL**

A. Declaratory Judgment: Affirming that the Defendants' individual and collective conduct violated Plaintiff Andrew Smigelski's Federal Constitutional rights;

B. Compensatory Damages: Including, but not limited to, the monetary value associated with the following: violations of legal rights, emotional distress, emotional injury, embarrassment, humiliation, and potential lifelong psychological and physical injuries, valued at least \$2,000,000.

C. Punitive damages - maximum permitted by law.

D. Equitable Relief: A written admission of the allegations stated in the complaint, an in-person oral apology, and a written admission and apology on the City's official letterhead

E. Legal Fees and Costs;

F. Discretionary Damages and Relief: Such other financial or equitable relief that the Court deems reasonable and just.

G. Injunctive relief compelling the Ohio Public Defender's Office, ACLU, Department of Justice Civil Rights Division, Ohio Innocence Project, a private civil rights law firm, or other disinterested, competent, capable, and qualified, legal review organization to review all cases of Josh Mowery and the other officers involved, and overturn the cases that are not proven beyond a reasonable doubt without the inclusion of testimony, statements, affidavits, or involvement, of Mowery or the named officers.

Josh Mowery's serious, repeated, demonstrably and materially false misstatements caused direct violations of my civil and constitutional rights, and it would be appropriate for an impartial review of all of his cases to determine how many others may have been violated by similar misconduct.


Plaintiff, Pro Se

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